

PATENT
Application 09/822,300
Attorney Docket 2000P07515US01 (1009-087)

REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Each of claims 1-53 has been cancelled without prejudice or disclaimer.

Claim 54 has been added.

Claim 54 is now pending in this application. Claim 54 is in independent form.

I. The "Response to Arguments"

The Office Action mailed on 31 January 2008 (the "present Office Action") includes a section titled "Response to Arguments". To the extent that the "Response to Arguments" section attempts to characterize or mischaracterize any portion of Applicant's Preliminary Amendment dated 30 October 2007, such as via the numerous inaccuracies presented under what the present Office Action alleges are the content and basis for conclusions of the Declaration under 37 C.F.R. § 1.132 of Georg Muenzel, Applicant respectfully traverses, and instead respectfully requests a response to the specific arguments presented by Applicant.

II. The Statutory Subject Matter Rejections

Each of claims 36-38 and 53 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter, and thus was asserted to be unpatentable. Each of these rejections is respectfully traversed as moot in view of the cancellation of each of claims 36-38 and 53.

III. The Indefiniteness Rejections

Each of claims 51-53 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Each of these rejections is respectfully traversed as moot in view of the cancellation of each of claims 51-53.

IV. The Rejections Under 35 U.S.C. 112, second paragraph

Each of claims 36-38 and 53 was rejected under 35 U.S.C. 112, second paragraph, as allegedly "failing to set forth the subject matter which applicant(s) regard as their invention".

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Each of these rejections is respectfully traversed as moot in view of the cancellation of each of claims 36-38 and 53.

V. The Obviousness Rejections

Each of claims 1-53 was rejected under 35 U.S.C. 103(a) as being obvious, and thus unpatentable, over various combinations of U.S. Patent 6,634,008 ("Dole"), allegedly admitted prior art, U.S. Patent 7,089,530 ("Darkinski"), and/or U.S. Patent Programming Logic Controllers' Principles and Applications, Prentice-Hall, 1995, chp. 3, pp. 41-54 ("Webb"). Each of these rejections is respectfully traversed as moot in view of the cancellation of each of claims 1-53.

VI. Claim 54

Claim 54 recites, *inter alia*, yet no substantial evidence of record has been presented that any of the applied portions of the relied-upon references teach, "automatically converting an industrial automation computer program from a first version written in an industrial automation graphical programming language that is not interpretable by a web browser to a second version written in a web-browser compatible hierarchical textual markup language, each of said first version and said second version adapted to be compiled into machine-executable code adapted for controlling an industrial process via a programmable logic controller".

Included herewith is a Declaration under 37 C.F.R. § 1.132 of Georg Muenzel, an inventor of record of the present application and one having a knowledge of what one having ordinary skill in the art of electrical engineering would have known as of 24 March 2000, the priority date claimed by the present application. Paragraphs 15-44 of Mr. Muenzel's Declaration provide evidence that the applied portions of references relied upon by the present Office Action in rejecting each of cancelled claims 1-53 do not teach, "automatically converting an industrial automation computer program from a version in a graphical programming language to a version in a markup language, the graphical programming language one of a plurality of graphical programming languages used in industrial automation, the industrial automation computer program adapted for controlling an industrial process via a programmable logic controller" as claimed by claim 54.

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In addition, paragraphs 15-45 of Mr. Muenzel's Declaration provide evidence that the applied portions of references relied upon by the present Office Action in rejecting each of cancelled claims 1-53 would not have enabled one having ordinary skill in the art to practice, "automatically converting an industrial automation computer program from a version in a graphical programming language to a version in a markup language, the graphical programming language one of a plurality of graphical programming languages used in industrial automation, the industrial automation computer program adapted for controlling an industrial process via a programmable logic controller" as claimed by claim 54.

No evidence is of record that the applied portions of the applied portions of the remaining relied-upon references overcome at least these deficiencies of Dole.

For at least these reasons, Applicant respectfully requests an issuance of a Notice of Allowance for claim 54.

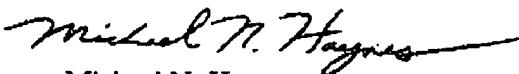
CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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